



March 17, 2015

Gina McCarthy, Administrator
United States Environmental Protection Agency
EPA Docket Center
Mailcode 28221T
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

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Attention: Docket ID No. EPA-HQ- OAR-2008-0699

RE: Proposed Rule - National Ambient Air Quality Standards for Ozone

Dear Administrator McCarthy:

The Ozone Transport Commission (OTC) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA) proposed National Ambient Air Quality Standard (NAAQS) rule for ground-level ozone published in the Federal Register on December 17, 2014 (79 FR 75234). The OTC was created by Congress under the Clean Air Act (CAA) Amendments of 1990 to work with the EPA and states in the Ozone Transport Region (OTR) to coordinate ground-level ozone pollution control planning in the Northeast and Mid-Atlantic region of the United States (42 U.S.C. § 7511c(a)). The OTC's comments on the proposed rule are provided herein.

Scientific Evidence and the New Ozone Standard

When establishing criteria for setting air quality standards, EPA should adhere to the provisions of Section 108 of the Clean Air Act (42 U.S.C. § 7408(a)(2)), that require the EPA to rely on the latest scientific knowledge, including recommendations of its independent science advisors, the Clean Air Scientific Advisory Committee (CASAC), appointed by the EPA Administrator under Section 109 of the CAA (42 U.S.C. § 7409(d)(2)). The CASAC provides independent advice to the EPA Administrator on the technical basis for EPA's national ambient air quality standards and addresses research related to air quality, sources of air pollution, and the strategies to attain and maintain air quality standards and to prevent significant deterioration of air quality (42 U.S.C. § 7409(d)(2)(C)). Furthermore, the CASAC is authorized to review the quality and relevance of the scientific and technical information being used by the EPA or proposed as the basis for Agency regulations, review EPA research programs and plans, provide science advice as requested by the EPA Administrator, and make

David C. Foerter
Executive Director

444 N. Capitol St. NW
Suite 322
Washington, DC 20001
(202) 508-3840
FAX (202) 508-3841
Email: ozone@otcair.org

recommendations and advise the agency on broad scientific matters (42 U.S.C. § 7409(d)(2)(C)). Accordingly, EPA should ensure conformance with the provisions of the Clean Air Act, and rely on CASAC recommendations regarding the substance and form of the standards.

Ozone Transport

We urge EPA to propose a transport rule and implementation guidance at the earliest time feasible to facilitate timely compliance with the ozone NAAQS by the CAA prescribed deadlines. The issuance of the transport rule and implementation guidance enable states to meet their attainment deadlines and continue to maintain compliance with current and past standards, and provide the adequate protection of health afforded by the Clean Air Act . Areas in the OTR continue to struggle to attain and maintain existing ozone standards because of the transport of ozone and ozone precursor emissions. As EPA fulfills its obligation to evaluate potential revisions to the ozone NAAQS, it should also take action to ensure that the states have the tools necessary to ensure that ozone transport can be adequately addressed. The EPA is only now addressing the good neighbor obligations required under the 2008 ozone standard (42 U.S.C. § 110(a)(2)(D)(i)). We appreciate the EPA's recognition that addressing ozone transport is a partnership with all states, and we would expect to continue this partnership at all levels to ensure attainment and maintenance of the health-based ozone standards throughout the region.

Propose an Implementation Rule and Guidance with Adoption of New Standard

The EPA must promulgate the implementation rule and associated guidance in a timely manner to realize the intended timely benefits of a revised ozone NAAQS. While EPA has the primary responsibility of promulgating the new ozone standard, states have the primary responsibility of implementing measures to attain and maintain the ozone NAAQS. The states' efforts to reduce ozone and its precursors depend on having adequate time to develop and implement effective strategies. Local emission reductions alone may be inadequate for downwind states to achieve the standard. Any delays, particularly delays by the EPA in issuing guidance and rules, would reduce the speed and effectiveness in achieving a new standard. On numerous occasions, the Administrator has indicated her concern with EPA's failure to promulgate implementation rules and issue guidance in a timely manner. We understand that EPA is committed to improving its performance in issuing timely guidance. Therefore, the OTC calls on the EPA to propose the implementation rule and associated guidance simultaneously with the promulgation of the revised ozone standard, and to finalize the rule and guidance within one year of being proposed.

Electric Generating Units Not Running Installed Control Technology

EPA projects that many areas of the country would attain a new ozone NAAQS established between 65-75 ppb by 2025. However, EPA's projections in the Regulatory Impact Assessment (RIA) incorrectly assume that all electric generating units (EGUs) with installed pollution controls will be running those controls in a manner to optimize oxide of Nitrogen (NOx) reductions. The OTC has demonstrated that the owners and operators of certain EGUs are either not running their controls or running their controls below optimal

levels in compliance with the market-based control programs, leading to a large amount of NO_x emissions being transported into and within the OTR. The current NO_x trading system is inadequate to ensure that installed controls are operating efficiently, and particularly on high ozone days. Emissions and modeling forecasts should not assume the NO_x reduction benefits that the downwind states need are already being achieved; these are uncertain under existing federal rules. The EPA should update its modeling to account for some EGUs not running existing controls or not optimally running controls. We urge EPA to develop a regulatory framework which requires the owners and operators of EGUs with installed NO_x pollution controls to optimally run those controls. A group of states in the eastern United States that are collaborating on technical matters relating to ozone transport (e.g. development of emission inventories and photochemical modeling) are evaluating the impacts associated with EGUs that do not run their NO_x controls to optimize NO_x reductions.

Increasing Attention Needed on Impact of Mobile Source Emissions

The OTC modeling and the recent EPA modeling show that NO_x emissions and emissions of volatile organic compounds (VOC) from mobile sources are the largest anthropogenic contributors to elevated ozone levels in the OTR. As you know, the states have limited authority under the CAA to set emission standards for mobile sources. In setting federal emission standards, the EPA must consider the time needed for sufficient fleet turnover to provide the emission reductions to enable the states to meet the ozone NAAQS on the schedule required by the Clean Air Act.

In the RIA the EPA did not identify all the control strategies and measures needed to show attainment of the ozone NAAQS in 2025. EPA should have considered effective mobile source emission reduction measures that are already in the pipeline or that could be implemented to address the 23 - 43 percent “unknown” NO_x reductions incorporated into the analysis. These control strategies and measures include: lower emission standards for new heavy duty diesel engines, updated federal aftermarket catalytic converter requirements, diesel inspections and maintenance programs, and idling reductions.

State Resources and Scientific Basis for Monitoring Changes

The EPA has proposed to extend the portion of the year in which ozone levels are monitored in many parts of the country, including the OTR. However, all states in the OTR do not agree with the need to expand the ozone monitoring season. The EPA should demonstrate through air quality data the need to extend the ozone season monitoring performed by states. If the data demonstrates the need to extend the portion of the year for monitoring ozone, the EPA should ensure that states have the needed additional resources to meet new monitoring requirements.

The EPA proposed removing the first seven 8-hour ozone values of the day from consideration as exceedances to eliminate “double hits.” This change would result in dropping from consideration levels that potentially exceed the standard that occur overnight; events that are often attributed to pollutant transport into an area. Recently, such events have been recorded in monitoring data in states in the OTR. Allowing unhealthy air during those 8-hour periods to disappear from calculations is problematic. Ignoring

overnight transport events during these periods also ignores the health impacts and can overlook transported pollutants. The OTC is aware of data management options that both preserve data and avoid “double hits,” and invite the EPA to discuss these options. The OTC appreciates the EPA’s effort to eliminate “double hits” but urges the EPA to continue to factor in the first seven 8-hour ozone values of the day when determining whether violations occur.

Changes to PAMS Monitoring Network

The EPA proposed to modify the Photochemical Assessment Monitoring Stations (PAMS) network to give it a broader geographic scope and to lower costs. Based on the EPA’s ozone modeling for 2018, many of the new PAMS locations will come into attainment before the monitoring even begins. Further, some areas in the Northeast United States that have historically experienced high ozone concentrations and were previously classified as serious nonattainment of the ozone standard would lose all enhanced monitoring under the proposal. Congress saw fit to include 12 states and the District of Columbia in the OTR and to assist those states in this complex air-shed by requiring enhanced monitoring. We urge EPA to maintain enhanced monitoring in areas with historical ozone problems and minimize locating new PAMS locations in areas anticipated to attain the ozone NAAQS before the equipment begins operation. The OTC states use this regional data to further improve photochemical model performance in the Northeast corridor, which is a greater need than PAMS data in remote (soon to be in attainment) locations.

The OTC appreciates the opportunity to submit these comments and welcomes discussion on this matter. Please contact the undersigned at (202) 508-3840 with questions.

Sincerely,



David C. Foerter
Executive Director
(202) 508-3840
dfoerter@otcair.org

cc: OTC Commissioners